



Express Mail" mailing label number EV 326 039 483 US

Date of Deposit: May 9, 2005

Patent

Case No. 10546/6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John W. Wong et al.)

U.S. Patent Application)
Serial No.: 09/424,431)

Filed: March 16, 2000)

For: METHOD AND APPARATUS FOR)
DELIVERING RADIATION THERAPY)
DURING SUSPENDED VENTILATION)

Examiner: Mendoza, Michael G.

Art Unit: 3731

AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is in response to the Office Action mailed on March 8, 2005. This Amendment was not earlier presented because it responds to a new rejection under 35 U.S.C. § 101 and new rejections under Section 103. This Amendment is necessary and not earlier presented because it corrects obvious errors in claims 26, 28, 36 and 38. In addition, it is not believed that the present Amendment will require a new search to be made on the part of the Examiner. Since the issues for Appeal have been reduced, please amend claims 26, 28, 32, 36 and 38 as follows:



U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE
DEPOSIT INFORMATION

Express Mail Label No.: EV 326 039 483 US

Date of Deposit: May 9, 2005

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For: METHOD AND APPARATUS FOR
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Attorney Docket No: 10546/6

Mail Stop After Final
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Amendment under 37 C.F.R. § 1.116.
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | X100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$180= | | | + \$360= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 9, 2005
Date

John C. Freeman
John C. Freeman (Reg. No. 34,483)